

**The Board of Trustees
of the
School and Institutional Trust Lands Administration**

☒ New Policy ☐ Amends Policy No. _____ ☐ Repeals Policy No. _____

Policy Statement No. 96-02

Cause No. 1

Subject: Procurement Policies

For Real Estate Transactions

Pursuant to and in connection with its' Resolution No. 96-02 dated January 12, 1996, the Board of Trustees adopts the following policies for the Administration's procurement of Real Estate Services:

1. Prior to the retention of any service provider for real estate brokerage or consulting services, (hereinafter, "*Real Estate Services*") in connection with the marketing of the surface interest in trust lands for sale, lease exchange or involvement in a joint venture or other business arrangement (a "*Real Estate Transaction*"), the director shall make a written determination that the retention of such Real Estate Services will, in the judgement and discretion of the directory, enhance SITLA's opportunity to achieve optimum terms and conditions in connection with the proposed Real Estate Transaction, and will be in the best interests of the trust beneficiaries. Upon the making of such determination, the director shall provide a copy of such determination to the Chair of the Board of Trustees.

2. In connection with the solicitation for any Real Estate Services, SITLA shall contact at least three (3) potential service providers and seek proposals from such providers. SITLA may select one or more of such service providers for negotiation concerning the character and cost of such services, and may elect to enter into a contract with any on of such service providers without negotiation with the other potential service providers. SITLA shall make a written determination of the reason for its decision to select and negotiate with the chosen provider. Upon the completion of the negotiation of any such arrangement, SITLA shall provide to the Board of Trustees, for information purposes only, an explanation of the arrangement.

3. Any service provider selected to perform real estate brokerage services (as opposed to consulting services) shall be licensed and in good standing in all regards with the State of Utah.

4. Any contract let to a service provider shall consist of terms and conditions

(including commission or compensation structure) consistent with good commercial practices observed in the non-governmental business community.

5. Any contract let to a service provider shall be approved by SITLA's legal counsel as to both form and substance.

6. SITLA shall not enter into any contract with a service provider which violates, or on account of factual circumstances or person involved, gives the appearance of a conflict of interest or a potential violation of the Utah Public Officer's and Employee's Ethics Act.

**AMENDED: SEE 96-02.1
JUNE 13, 1996**